

IN RE:

MIGUEL LEONARDO ALVAREZ BENITEZ  
 CARMEN DOLORES CASANOVA TOLEDO  
 DEBTOR(S)

CASE NO. 13-01647-BKT  
 CHAPTER 13

**\*\*AMENDED DOCUMENT\*\***

**TRUSTEE'S REPORT ON CONFIRMATION**

1. A meeting of creditors pursuant to Section 341 was held on **April 09, 2013**. The meeting was (was not) duly attended by debtor(s) and their attorney.
2. The liquidation value of the estate is: \$33,490 (PV \$38,848)
3. With respect to the attached payment plan:

AMENDED PLAN DATE: August 05, 2013

PLAN BASE: \$7,800.00

TRUSTEE'S COMMENTS AND RECOMENDATIONS DATED: 8/15/2013

FAVORABLE

UNFAVORABLE

1. [ ] FEASIBILITY 11 USC § 1325(a)(6):

2. [X] INSUFFICIENTLY FUNDED § 1325(b):

**Plan is insufficiently funded to pay secured creditors and priority.**

3. [ ] UNFAIR DISCRIMINATION § 1322(b):

4. [X] FAILS LIQUIDATION VALUE TEST § 1325(a)(4):

**Plan has to comply with the liquidation value \$33,490 at its present value \$38,848.**

5. [ ] FAILS DISPOSABLE INCOME TEST § 1325(b)(1)(B):

6. [X] DOES NOT PROVIDE FOR SECURED CREDITOR § 1325(a)(5):

**Scotiabank (mortgage) POC 5**

7. [X] OTHER:

Objections to confirmation of plan filed by Scotiabank at docket 12 and 14 are pending. 2) Debtor filed a "Motion to Avoid Lien" wherein they appear to be requesting to avoid creditor Scotiabank and Fondo Seguro del Estado lien on real property. In said motion debtors alleges, the real property is fully exempt. However, averment on behalf of the debtors need to be clarified. Debtors real property has not been exempted in bankruptcy case since the Trustee had objected to debtor claim for exemptions (see dk. 16) and court granted Trustee's Objection dk. 18. Furthermore, it appears that the State court denied debtors claim for homestead under PRLAW.

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

Atty Fee:\$3,000.00 /\$1,100.00/\$1,900.00

/s/ Miriam Salwen Acosta  
Miriam Salwen Acosta

Atty: JUAN O CALDERON

USDC # 208910  
**ALEJANDRO OLIVERAS RIVERA**  
Chapter 13 Trustee  
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